

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIZABETH DRURY,

Plaintiff,

v.

CITY AND COUNTY OF SAN FRANCISCO,
TEGSCO, LLC dba SAN FRANCISCO AUTO
RETURN, JOSEPH NANNERY, ANTHONY
AZEBEDO,

Defendants.

No. C 06-7022 CW

ORDER GRANTING
PLAINTIFF'S MOTION
TO REMAND

On November 8, 2006, Defendant City and County of San Francisco removed this action to this Court. Although Defendants Tegsco and Joseph Nannery had been served at the time of removal, neither joined in the notice of removal. Therefore, removal was improper. See, e.g., Parrino v. FHP, Inc., 146 F.3d 699, 703 (9th Cir. 1998) ("All defendants must join a notice of removal.").

On December 12, 2006, Plaintiff Elizabeth Drury moved to remand this case to the Superior Court of the State of California. On January 5, 2007, Defendants City and County of San Francisco and

1 Tegsco filed statements of non-opposition to Plaintiff's motion.¹
2 Having considered all of the papers filed by the parties, the Court
3 grants Plaintiff's motion (Docket No. 5) and remands this case to
4 State court. The hearing scheduled for January 19, 2007 is
5 vacated.

6 IT IS SO ORDERED.

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8 1/8/07

9 Dated: _____



CLAUDIA WILKEN
United States District Judge

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25 ¹Jospeh Nannery, the other Defendant who has been served in
26 this case did not join in the notice of removal or respond to the
27 motion to remand. The Court notes that the City Attorney
28 represented Nannery together with the City and County of San
Francisco in filings in the State court, but that it has not done
so in this Court.